



STATUTORY INSTRUMENTS.

S.I. No. 104 of 2023



WASTE MANAGEMENT (COLLECTION PERMIT) (AMENDMENT)
(NO. 2) REGULATIONS 2023

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I, EAMON RYAN, Minister for the Environment, Climate and Communications in exercise of the powers conferred on me by sections 7, 15, 18, 34, 34B, 36 and 50 of the Waste Management Act 1996 (No. 10 of 1996) (as adapted by the Communications, Climate Action and Environment (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 373 of 2020)), hereby make the following regulations:

Citation

1. These Regulations may be cited as the Waste Management (Collection Permit) (Amendment) (No. 2) Regulations 2023.

Definition

2. In these Regulations, “Principal Regulations” means the Waste Management (Collection Permit) Regulations 2007 (S.I. No. 820 of 2007).

Amendment of article 2 of Principal Regulations

3. Article 2 of the Principal Regulations is amended by inserting the following paragraph after paragraph (3):

“(4) Nothing in the amendments made to these Regulations by the Waste Management (Collection Permit) (Amendment) Regulations 2023 (S.I. No. 63 of 2023) or the Waste Management (Collection Permit) (Amendment) (No. 2) Regulations 2023 shall operate to limit the requirement on operators of commercial premises to manage food waste, arising at their premises, under the Waste Management (Food Waste) Regulations 2009 (S.I. No. 508 of 2009).”.

Amendment of article 4 of Principal Regulations

4. Article 4(2) of the Principal Regulations is amended—

(a) by inserting the following definitions:

“ ‘commercial kerbside waste’ means that fraction of commercial waste presented for collection from a commercial premises and collected by an authorised waste collector and excludes waste water, construction and demolition waste and bulky waste more suitable for collection in a skip or other such receptacle (which includes but is not limited to heavy waste materials such as furniture, carpets and rubble), as well as commercial hazardous waste and other streams of commercial waste which are required to be collected in another appropriate

manner, such as, but not limited to, specified waste packaging, WEEE and waste batteries and accumulators;

‘recyclable commercial kerbside waste’ means the fraction of commercial kerbside waste comprising recyclable commercial waste including the materials that are permitted to be placed in the mixed dry recyclable bin as specified on the website located at <http://www.mywaste.ie>;

‘residual commercial kerbside waste’ means the fraction of commercial kerbside waste remaining after the source separation of the commercial kerbside waste fractions of recyclable commercial kerbside waste including—

- (a) the materials that are permitted to be placed in the mixed dry recyclable bin as specified on the website located at <http://www.mywaste.ie>,
- (b) food waste, and,
- (c) as the case may be, bio-waste;

‘specified packaging waste’ means waste aluminium, fibreboard, glass, paper, plastic sheeting, steel and wood;”

‘website’ means an internet website (including part of such a website) —

- (a) to which access is readily available by members of the public, and
- (b) where anything published is readily available for inspection by members of the public;”,
- (b) in the definition of food waste, by substituting “household or commercial waste” for “household waste”, and
- (c) in the definitions of recyclable household kerbside waste and residual household kerbside waste by substituting “the website located at <http://www.mywaste.ie>” for “the seventh schedule”.

Amendment of article 7(1) of Principal Regulations

5. Article 7(1) of the Principal Regulations is amended by substituting the following subparagraph for subparagraph (i):

- “(i) (I) in the case of household kerbside waste collection, a copy of the customer charter in the form set out in the sixth schedule, or a form substantially to the like effect, information on how the applicant will meet the requirements of conditions to be attached to a permit to collect household kerbside waste under article 20, including the frequency of collection for residual household kerbside waste, food waste and, as the case may be, bio-waste and recyclable household kerbside waste, the method of charging for the collection of waste, details on the provision

of segregated collection for dry recyclables and for food waste and, as the case may be, bio-waste, details of how the collector will, if and when requested to do so by an authorised person in accordance with section 34C of the Act, provide details of the collection service, including, where applicable, details to demonstrate that the collector will be in a position to meet requirements of conditions attached under article 20(2)(g)(ii)(II), including details of the collection of separate classes of household waste, persons who choose not to partake in the collection of separate classes of household waste, when household waste was last collected, and where applicable, the electronic data management system to be used, and

- (II) in the case of commercial kerbside waste collection, a copy of the customer charter in the form set out in the sixth schedule, or a form substantially to the like effect, information on how the applicant will meet the requirements of conditions to be attached to a permit to collect commercial kerbside waste under article 20, including the frequency of collection for residual commercial kerbside waste, food waste and, as the case may be, bio-waste and recyclable commercial kerbside waste, the method of charging for the collection of waste, details on the provision of segregated collection for dry recyclables and for food waste and, as the case may be, bio-waste, details of how the collector will, if and when requested to do so by an authorised person in accordance with section 34C of the Act, provide details of the collection service, including, where applicable, details to demonstrate that the collector will be in a position to meet requirements of conditions attached under article 20(2)(n)(ii)(II), including details of the collection of separate classes of commercial waste, persons who choose not to partake in the collection of separate classes of commercial waste, when commercial waste was last collected, and where applicable, the electronic data management system to be used.”.

Amendment of article 20 of Principal Regulations

6. Article 20 of the Principal Regulations is amended in paragraph (2)—
- (a) in subparagraph (g)—
- (i) in clause (i)—

- (I) in subclause (VI), by substituting “prepare, and publish on its website, a customer charter for household and commercial kerbside waste collection” for “prepare a customer charter for household kerbside waste collection”, and
- (II) by substituting the following subclause for subclause (VII):
 - “(VII) provide for the collection of at least the recyclable waste materials permitted to be placed in a mixed dry receptacle as specified on the website located at <http://www.mywaste.ie> as part of the segregated collection arrangements provided in accordance with subclause (VIII) for household kerbside waste collection,” and
- (ii) by substituting the following clause for clause (iv):
 - “(iv) ensure that from 1 July 2023 household kerbside waste is only collected in approved receptacles which are designed for reuse, with the exception of the collection of such waste by atypical collection solutions, such as non-reusable receptacles or bags, in specific areas designated by a local authority as being only suitable for the collection of such waste by atypical collection solutions,”
- (b) in subparagraph (h)—
 - (i) by substituting “collection of household or commercial kerbside waste” for “collection of household kerbside waste”, and
 - (ii) by substituting “present household or commercial waste” for “present household waste”,
- (c) in subparagraph (l), by substituting “specified,” for “specified, and”,
- (d) in subparagraph (m), by substituting “qualifications, and” for “qualifications.”, and
- (e) by inserting the following subparagraph after subparagraph (m):
 - “(n) in the case of commercial kerbside waste collection, ensure that the following actions are taken:
 - (i) with the exception of glass collected separately or commercial kerbside waste collected on off-shore islands, in accordance with section 34(7)(b) of the Act—
 - (I) weigh each and every collection of commercial kerbside waste collected separately in approved receptacles designed

for reuse, and for the avoidance of doubt, approved receptacles designed for reuse do not include bags,

- (II) (A) report in writing, or
- (B) make available through electronic means,

the weight described at subclause (I) to the person who presented the waste for collection at a frequency of not less than once every month,

- (III) use an automatic weighing instrument that complies with the Metrology Act 1996 (No. 27 of 1996) and any ensuing regulations to weigh commercial kerbside waste in accordance with subclause (I) and where the automatic weighing instrument is an automatic catchweigher it must be of accuracy Class Y(b) or better,
- (IV) use an automatic weighing instrument referred to in subclause (III) capable of determining the weight of a commercial kerbside waste collected in accordance with subclause (I) to 1 kilogramme (kg) or better when weighing approved receptacles designed for reuse with a volume of 360 litres or less and to 5 kilogrammes [kg] or better when weighing approved receptacles designed for reuse with a volume of greater than 360 litres,
- (V) only use vehicles which have been fitted with a weighing system which is in accordance with subclauses (III) and (IV) to collect commercial kerbside waste collected separately in approved receptacles designed for reuse, and for the avoidance of doubt, approved receptacles designed for reuse do not include bags,
- (VI) prepare, and publish on its website, a customer charter for household and commercial kerbside waste collection in the form set out in the sixth schedule, or a form substantially to the like effect, to the satisfaction of the nominated authority, to facilitate publication on the website of the nominated authority, and any amendments or updates to the customer charter to be submitted to the nominated authority without delay to facilitate publication of the

revised charter on the website, once the nominated authority has been satisfied,

- (VII) provide for the collection of at least the recyclable waste materials permitted to be placed in a mixed dry receptacle as specified on the website located at <http://www.mywaste.ie> as part of the segregated collection arrangements provided in accordance with subclause (VIII) for commercial kerbside waste collection,
 - (VIII) provide that the collection of recyclable commercial kerbside waste shall occur as frequently as may be determined by the nominated authority according to the necessity of collection of such waste but, in any case, at least once every fortnight,
 - (IX) provide that the frequency of collection of food waste and, as the case may be, bio-waste shall occur as frequently as may be determined by the nominated authority according to the necessity of collection of such waste but, in any case, at least once every fortnight, and
 - (X) provide that only the permit holder which owns a reusable receptacle provided to their customer for use is authorised to empty or remove that receptacle, unless the prior agreement of the said permit holder or the relevant local authority is obtained;
- (ii) on and after 1 July 2023, with the exception of glass collected separately, commercial kerbside waste collected on off-shore islands, or commercial kerbside waste collected in receptacles which are not designed for reuse in specific areas designated by a local authority under article 20(2)(n)(iv), in accordance with section 34(7)(b) of the Act, excluding subparagraph (v) of that section—
- (I) notwithstanding the provisions of any bye-laws adopted by the relevant local authority for the collection of commercial waste, ensure that where a collector intends to impose any penalty on a customer for non-compliance with the terms of the contract for collecting commercial kerbside waste, including non-compliance by the commercial customer with regard to properly segregating waste or overloading receptacles, that any such penalty

be clearly communicated to the customer, including through the customer charter,

- (II) ensure that the collector will, when requested to do so, provide to a local authority, details of the collection service, including details of the collection of separate classes of commercial waste, details of persons who choose not to partake in the collection of separate classes of commercial waste, and details of when commercial waste was last collected, and
 - (III) report in writing or make available through electronic means, the weight of each and every separate collection of waste and the registration number of each vehicle used to collect and transport each and every separate collection of waste, to the person who presented the waste for collection, at a frequency of not less than once every month;
- (iii) ensure that the fees charged to collect commercial kerbside waste in the reasonable opinion and to the satisfaction of the nominated authority respect the polluter pays principle and encourage the segregation of such waste and discourage such waste from being mixed with residual commercial kerbside waste by the customer in accordance with the waste hierarchy and section 21A of the Act;
 - (iv) ensure that from 1 July 2023 commercial kerbside waste is only collected in approved receptacles which are designed for reuse, with the exception of the collection of such waste by atypical collection solutions, such as non-reusable receptacles or bags, in specific areas designated by a local authority as being only suitable for the collection of such waste by atypical collection solutions;
 - (v) ensure, where a commercial kerbside waste collection vehicle is configured to collect different fractions of commercial kerbside waste simultaneously, that the existence of this facility is clearly displayed on the vehicle;
 - (vi) ensure that commercial kerbside waste only be collected on or after 1 July, 2023—
 - (I) (A) during times,
 - (B) at particular locations, and
 - (C) with requirements for particular waste types,

as may be specified by the nominated authority following consultation with the local authority in which the collection activities will take place, and

- (II) where the times specified under subclause (I) are subject to the authorised collector making reasonable efforts to the satisfaction of the nominated authority and the relevant local authority to reduce noise and nuisance, the consideration of such reasonable efforts by those authorities may be informed by complaints received by the local authority regarding noise or nuisance.”.

Amendment of Sixth Schedule to Principal Regulations

7 The Sixth Schedule to the Principal Regulations is amended—

- (a) by substituting the following heading for the heading of the schedule:

“CUSTOMER CHARTER FOR HOUSEHOLD AND COMMERCIAL WASTE COLLECTION”,

- (b) in paragraph 1—

(i) by substituting “A Waste Action Plan for a Circular Economy” for “A Resource Opportunity – Waste Management Policy in Ireland”, and

(ii) by substituting “This document is designed to communicate how we intend to provide household and commercial waste collection services in accordance with these principles to the public in a clear and concise fashion.” for “This document is designed to communicate how we intend to provide household waste collection services in accordance with these principles to the public in a clear and concise fashion”,

- (c) in paragraph 2(d), by substituting “customers” for “households”,

- (d) by substituting the following subparagraph for subparagraph (i) of paragraph (2):

“(i) We will offer a segregated waste collection service to facilitate the segregation of residual waste, recyclables and where appropriate, food/bio waste. The frequency of collection will be as follows:

- Residual Waste Bin— as frequently as may be determined by the relevant local authority according to the necessity of collection of such residual waste but at a minimum at least every fortnight;

- Recyclable Waste Bin — as frequently as may be determined by the relevant local authority according to the necessity of collection of such recyclable waste but at a minimum at least every fortnight;
- Food & Bio Waste Bin — as frequently as may be determined by the relevant local authority according to the necessity of collection of such food/bio waste but at a minimum at least every fortnight.”,

(e) in paragraph 4—

- (i) by substituting the following heading for the heading of that paragraph:

“Customer Responsibilities”, and

- (ii) in subparagraph (a) by substituting “Please refer to <http://www.mywaste.ie> for advice on how to manage your waste more sustainably and for information on how to properly segregate your waste for collection.” for “Please refer to our Waste Segregation and Presentation Guidelines (see section 7 below) which are available on our web site or which are available to send to you by post, if requested.”, and

(f) in paragraph 7—

- (i) in subparagraph (a), by substituting “waste management for customers” for “waste management for householders”,

- (ii) by substituting the following subparagraph for subparagraph (d):

“We will provide Waste Segregation and Presentation Guidelines to customers, or at a minimum to the National Waste Collection Permit Office for publishing on their website, which clearly explain which materials are to be placed in which bin and collect at a minimum the recycling materials set out in this subparagraph or on the website located on the internet at <http://www.mywaste.ie>. We will explain to you what happens to materials collected in the residual, recycle and food waste bins.”, and

- (iii) by including an entry for “Soft Plastics” under the heading Plastic packaging (PP).

Revocations

8. (1) The Waste Management (Collection Permit) (Amendment) Regulations 2023 (S.I. No 63 of 2023) are revoked.

(2) The Seventh Schedule to the Principal Regulations is revoked.



GIVEN under my Official Seal,
7 March, 2023.

EAMON RYAN,
Minister for the Environment,
Climate and Communications.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the Waste Management (Collection Permit) Regulations 2007 to give effect to national waste policy regarding the regulation of the collection of household and commercial waste. In particular, the regulations provide for the introduction of incentivised charging for commercial customers, the provision of a biowaste, mixed dry recycling and residual waste bin to all waste collection customers in the commercial sector, to weigh each collection of commercial waste and report or make those weights available to the customer, the updating of the customer charter for households, the introduction of a customer charter for commercial customers and the inclusion of soft plastics on the list of recyclable material with the list now to be available on the website www.mywaste.ie.

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